

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

TYSON FOODS, INC., et al, )

Defendants. )

4:05-CV-00329-TCK-SAJ

THE VIDEOTAPED DEPOSITION OF

DAVID CHAPMAN, produced as a witness on behalf of  
the Defendants in the above styled and numbered  
cause, taken on the 6th day of April, 2009, in the  
City of Tulsa, County of Tulsa, State of Oklahoma,  
before me, Lisa A. Steinmeyer, a Certified Shorthand  
Reporter, duly certified under and by virtue of the  
laws of the State of Oklahoma.



DAVID CHAPMAN, 4-6-09

Page 32

1 questions, of stated choice approaches to  
2 investigating economic values for just non-market  
3 goods and, again, it's very similar. It poses  
4 options to individuals. You set up scenarios where  
5 you provide to individuals different goods that  
6 don't currently exist and you see how they trade off  
7 and make choices among those different goods.

09:20AM

8 Q What's a choice experiment?

9 A It's another name for a conjoint.

10 Q Okay. Just the same thing, just a different  
11 name?

09:20AM

12 A Different people use different names, so it's  
13 pretty much the same.

14 Q Okay. Who is Doug Beltman?

15 A Doug Beltman is another employee of Stratus  
16 Consulting.

09:20AM

17 Q What was his involvement in the Illinois  
18 River-Tenkiller?

19 A I do not know.

20 Q Okay. How about Josh Lipton?

09:20AM

21 A Josh Lipton is the CEO of Stratus Consulting.

22 Q And what was his involvement?

23 A I do not know.

24 Q Okay. You're familiar, are you not, with --

25 I'm going to use the word intercept study that was

09:21AM

DAVID CHAPMAN, 4-6-09

Page 33

1 done from Memorial Day 2006 to September 2007 on the  
2 Oklahoma -- on the -- excuse me. You're familiar  
3 with a study that was done from Memorial Day 2006 to  
4 September 2007 in connection with Tenkiller Lake and  
5 the Illinois River, are you not?

09:21AM

6 A I'm familiar with the study we did. I don't  
7 know if other studies were done.

8 Q That's what I'm talking about, the study that  
9 Stratus did.

10 A Uh-huh.

09:21AM

11 Q What was your involvement in that study?

12 A I coordinated. Dr. Breffle really led that  
13 up; Dr. Breffle really led that effort up. I  
14 coordinated with him, helped think about the problem  
15 with him, and actually went out and helped during  
16 the initial data collection phase and sort of  
17 pretesting, testing, making sure things were  
18 working.

09:22AM

19 Q Describe how the survey was conducted for me.

20 A Can you be a little more specific about the  
21 survey?

09:22AM

22 Q I'm talking about the intercept survey that  
23 was done in the summer of 2006.

24 A There were multiple surveys.

25 Q Okay. Describe for me what you did in the

09:22AM

DAVID CHAPMAN, 4-6-09

Page 36

1 to do the survey?

2 A We retained a number of individual contractors  
3 to collect information for us to undertake  
4 observations for us.

5 Q So Stratus retained those individual  
6 contractors?

09:26AM

7 A I believe we did, yes.

8 Q Okay. If you look at the introduction to this  
9 document, Deposition Exhibit No. 3, it talks -- it  
10 says that the primary purpose of the Lake Tenkiller  
11 and Illinois River Recreational Use Study was to  
12 obtain current estimates of recreational use on Lake  
13 Tenkiller and the Illinois River and gain an  
14 understanding of uses and attitudes towards the  
15 river and lake. The study contained two parts:

09:26AM

16 One, count of users at various recreation areas and,  
17 two, an intercept survey of recreation users that  
18 collected information on type and amount of use,  
19 preferences, attitudes and from where users were  
20 coming from. Is that your understanding of the  
21 primary purpose of this study?

09:27AM

22 A Uh-huh, yes. This, again, was part of the  
23 preliminary investigations that we were undertaking  
24 initial in the study to try and figure out what made  
25 sense, what was going on with people out there,

09:27AM

09:27AM

DAVID CHAPMAN, 4-6-09

Page 37

1 pretty standard practice.

2 Q Okay, and that preliminary investigation, as  
3 we saw, started sometime in 2004 or earlier;  
4 correct?

5 A The initial discussions from those E-mails, 09:28AM  
6 you know, they were -- at least in December of 2004  
7 we were starting to think about it.

8 Q Well, at least by December of 2004, you had  
9 been consulted on it; correct?

10 A Like I said, my initial thoughts were thinking 09:28AM  
11 about and trying to figure out what we could do,  
12 yes.

13 Q And here we are in the summer of 2006 and  
14 you're still in this preliminary investigation  
15 phase; is that correct? 09:28AM

16 A Yeah.

17 Q Okay. How long did the preliminary  
18 investigation phase last?

19 A I couldn't tell you. I mean, obviously  
20 through 2005. I don't know for a fact whether this 09:28AM  
21 was sort of continuing steady pace all the way  
22 through. Lots of these projects have initial  
23 starts. People have to think about what they want  
24 to do. They get back to us. So I can't tell you  
25 whether it was continuous through 2005 or sort of 09:28AM

DAVID CHAPMAN, 4-6-09

Page 38

1 ebb and flow through 2005, but clearly things were  
2 going on through 2005, and by 2006 we were prepared.

3 I mean, these take a while to come up with, to  
4 develop, to develop the sampling plans, and also you

5 can't undertake a study like this any time of the 09:29AM

6 year. You have to wait until there's people out

7 there. The recreational uses of the river occur

8 primarily from Memorial Day to Labor Day. Obviously

9 there's some outside of that time period, and so we

10 wanted to start during that period. So it's similar 09:29AM

11 to sampling natural environments. You have to wait

12 until what you want to sample is there.

13 Q Okay, but you'd still consider this part of  
14 your preliminary investigation?

15 A Yes. 09:29AM

16 Q What steps did you use to develop the survey  
17 that's reflected in this exhibit, Exhibit 3?

18 A Dr. Breffle was the primary developer of that  
19 survey.

20 Q So if I wanted to know what steps Stratus 09:30AM  
21 took, I'd have to talk to Dr. Breffle?

22 A No. I could tell you in general.

23 Q Okay.

24 A Identify the types of information you want to

25 collect, identify the way you want to collect it, 09:30AM

DAVID CHAPMAN, 4-6-09

Page 39

1 develop sort of the page format so it's easy to  
2 undertake out in the field, have other people look  
3 at it to make sure things are clear, try it out a  
4 little bit to make sure that it's working the way  
5 you think it should be working, and so those are  
6 sort of the general steps that you would normally  
7 take and that we took here.

09:30AM

8 Q What types of information did you want to  
9 collect with this intercept survey?

10 A As it says here in the introduction, it was  
11 the types and amount of use, preferences, attitudes  
12 and from where users were coming from.

09:31AM

13 Q And why did you want to collect that  
14 information?

15 A Again, as a preliminary investigation in  
16 these, often you want to understand at least one  
17 component that is sometimes affected as users of the  
18 resource, and we wanted to understand -- to the  
19 degree there wasn't additional information out  
20 there, we wanted to see whether or not this would  
21 be -- this information was available and how people  
22 were looking at the resources and also to try out  
23 and understand what it would be to actually  
24 undertake a high quality intercept survey to count  
25 people.

09:31AM

09:31AM

09:32AM

DAVID CHAPMAN, 4-6-09

Page 53

1 time, you surveyed those people and that's an  
2 unbiased view; is that your testimony here?

3 MS. XIDIS: Object to the form.

4 A No.

5 Q Why is it less biased to do a contingent 10:03AM  
6 valuation survey than an intercept survey?

7 A It has nothing to do about that. It has to do  
8 about the sampling and the approach to sampling.

9 Q Okay. Explain to me why this is more biased.

10 A Because it only intercepts people who are at 10:03AM  
11 the site. It's not representative of the average  
12 Oklahoman.

13 Q Which people know more about the site, those  
14 who use the resource or those who may not have used  
15 the resource in your opinion? 10:03AM

16 MS. XIDIS: Object to form.

17 A That's an individual-by-individual basis. I  
18 can't tell you what a specific individual knows  
19 about the resource.

20 Q I personally have never been to Tenkiller Lake 10:03AM  
21 or the Illinois River. If you were to survey me  
22 about that, do you think my opinion would be more  
23 representative of someone than someone who uses the  
24 resource on a regular basis?

25 MS. XIDIS: Objection to form. 10:04AM



DAVID CHAPMAN, 4-6-09

Page 64

1 Q Summer to fall of 2006?

2 A Uh-huh.

3 Q Okay, and following that, you developed a  
4 telephone survey; correct?

5 A Yes.

10:18AM

6 Q What new information did you hope to gain from  
7 the telephone survey that you hadn't garnered in the  
8 intercept survey?

9 A Again, the telephone survey was not of just  
10 users or not users. They were of the general  
11 public, and we were trying to gather additional  
12 information about people's understandings of the  
13 Tenkiller Lake and Illinois River system.

10:18AM

14 Q So if I understood your answer correctly, the  
15 telephone survey provided you with additional  
16 information about people's understanding of the  
17 Illinois River and Tenkiller Lake, correct, and it  
18 also was a survey of the general public and not just  
19 users?

10:19AM

20 A Yes.

10:19AM

21 Q Were those the two main reasons you wanted to  
22 do the telephone survey?

23 A Those are the two that come to mind right  
24 away.

25 Q Okay. What was your personal involvement in

10:19AM

DAVID CHAPMAN, 4-6-09

Page 65

1 the telephone survey?

2 A Thinking about the goals of the study and  
3 helping facilitate administration of it and  
4 reviewing results were the main things.

5 Q Besides yourself, who else was involved in 10:20AM  
6 thinking about the goals of the telephone survey?

7 A Different members of the team. I can't  
8 remember specifically exactly which ones, but  
9 myself, Dr. Bishop, Dr. Krosnick, Dr. Tourangeau,  
10 the others I think were probably involved to some 10:21AM  
11 degree, too, not Kanninen but the others.

12 Q Shifting gears on you a little bit, going back  
13 to this intercept survey that was done in the summer  
14 of 2006, who was involved in thinking about the  
15 goals of that survey? 10:21AM

16 A That was primarily myself and Dr. Breffle.  
17 That was done before the formation of the study  
18 team, and I think Dr. Breffle talked to Dr.  
19 Tourangeau about some of the sampling issues.

20 Q Do you consider the telephone survey to be 10:22AM  
21 still part of the preliminary evaluation that  
22 Stratus was making?

23 A Yes.

24 Q Okay. So all of these surveys were still part  
25 of this preliminary evaluation? 10:22AM

DAVID CHAPMAN, 4-6-09

Page 66

1 A Helping inform us, yes.

2 Q Okay. When was the telephone survey  
3 conducted; do you recall?

4 A It's the date thing again. Sorry.

5 Q It's okay. 10:22AM

6 A Sometime I would imagine in -- wow, I don't  
7 remember whether it was 2006 or 2007. It was fairly  
8 early on, but I couldn't tell you specifically. I'm  
9 sorry.

10 Q That's okay. It's not a date test. Just 10:22AM  
11 trying to put it in order. What was -- besides you,  
12 was anyone else from Stratus involved in development  
13 of the telephone survey?

14 A I couldn't say no, but I don't know. Off the  
15 top of the my head it doesn't specifically come to 10:23AM  
16 me who.

17 Q Who actually conducted the telephone survey?

18 A We hired a subcontracting firm to do that.

19 Q What was their name?

20 A I think we use Consumer Logic, if I'm not 10:23AM  
21 mistaken.

22 Q Was Consumer Logic a subcontractor to Stratus?

23 A Yes. We hired them.

24 Q Who from Stratus worked with Consumer Logic?

25 A I worked with them, and I've got to believe 10:23AM

DAVID CHAPMAN, 4-6-09

Page 67

1 someone else did, but I can't remember specifically  
2 who that was. There was a couple of people working  
3 on things.

4 Q Mr. Chapman, I've handed you what's been  
5 marked for purposes of identification as Deposition 10:24AM  
6 Exhibit No. 4. Can you identify this document?

7 A It's titled Oklahoma Watershed Short Telephone  
8 Survey Report.

9 Q Were you involved in preparing this report?

10 A Yes, I was. 10:24AM

11 Q Did you write the report?

12 A I wrote parts of it and reviewed it.

13 Q If you'll take a look at Page 5 of the report,  
14 there's a section entitled Sampling Methods, Section  
15 1.3.1; do you see that? 10:25AM

16 A Yes.

17 Q And at the bottom of that page it indicates  
18 that the survey was conducted from November 1st,  
19 2006 to November 14th, 2006; do you see that?

20 A Yes. 10:25AM

21 Q Does that refresh your recollection as to when  
22 the survey was conducted?

23 A I believe that to be accurate.

24 Q Mr. Chapman, I've handed you what's been  
25 marked as Deposition Exhibit No. 5 from David Page 10:26AM

DAVID CHAPMAN, 4-6-09

Page 68

1 to Richard Bishop with a copy to you dated September  
2 2nd, 2006. Do you see that?

3 A I see that I'm the CC, yes.

4 Q Okay. Who is Mr. Page?

5 A I believe David Page is one of the attorneys 10:26AM  
6 in this case.

7 Q Have you ever spoken with Mr. Page?

8 A Yes.

9 Q And below the top E-mail is an E-mail dated  
10 September 1st from Richard Bishop to David Page with 10:26AM  
11 a copy to you; do you see that?

12 A I see that.

13 Q Who is Mr. Bishop?

14 A Dr. Bishop is one of the study team members.  
15 He's a very well-known resource economist. 10:27AM

16 Q In the E-mail from Dr. Bishop to David Page  
17 entitled more on economics, Dr. Bishop is citing a  
18 section from the DOI guidelines. Do you see that?

19 A Yes.

20 Q And it's talking about contingent valuation 10:27AM  
21 methodology; do you see that?

22 A Yes.

23 Q And at the bottom of the page Dr. Bishop  
24 actually cites a portion of the regulation; do you  
25 see that? 10:28AM

DAVID CHAPMAN, 4-6-09

Page 69

1 A Yes.

2 Q And he is citing to what he calls Part B,  
3 which states the use of the contingent valuation  
4 methodology to explicitly estimate option and  
5 existence values should be used only if the  
6 authorized official determines that no use values  
7 can be determined. Do you see that?

10:28AM

8 A I do see that.

9 Q Do you have an understanding of who the  
10 authorized official would be with respect to  
11 Tenkiller Lake and the Illinois River?

10:28AM

12 A I note on the history of this, of course, that  
13 this section of the reg was invalidated by a court  
14 ruling, and recently last year they finally got  
15 around to updating their rules and took this section  
16 out. So at the time this was an irrelevant part of  
17 the rules.

10:29AM

18 Q It was irrelevant at the time or irrelevant  
19 now?

20 A It was not -- it was not in compliance with  
21 the court order about how the rules should be done.

10:29AM

22 Q Okay. My question was, who is the authorized  
23 official; is that the -- who is the trustee for  
24 these waterways?

25 A I don't specifically know in Oklahoma who the

10:29AM